

**MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
REGIONAL COUNCIL MEETING**

April 26, 2006
MAG Office, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Councilmember Mike Whalen for Mayor Keno Hawker, Mesa, Chair	* Mayor Bernadette Jimenez, Guadalupe
Mayor Woody Thomas, Litchfield Park, Vice Chair	Supervisor Mary Rose Wilcox for
Councilmember John Insalaco for Mayor Douglas Coleman, Apache Junction	Supervisor Max Wilson, Maricopa County
Mayor Marie Lopez-Rogers, Avondale	Councilmember Dan Schweiker for
Vice Mayor Chris Urwiller for Mayor Dusty Hull, Buckeye	Mayor Ron Clarke, Paradise Valley
* Mayor Edward Morgan, Carefree	Vice Mayor Bob Barrett for
Vice Mayor Dick Esser, Cave Creek	Mayor John Keegan, Peoria
Mayor Boyd Dunn, Chandler	Councilmember Peggy Neely for
Mayor Fred Waterman, El Mirage	Mayor Phil Gordon, Phoenix
* President Raphael Bear, Fort McDowell Yavapai Nation	# Mayor Wendy Feldman-Kerr, Queen Creek
Vice Mayor Jay Schlum for Mayor Wally Nichols, Fountain Hills	* President Joni Ramos, Salt River
* Mayor Daniel Birchfield, Gila Bend	Pima-Maricopa Indian Community
* Governor William Rhodes, Gila River Indian Community	Mayor Mary Manross, Scottsdale
Mayor Steven Berman, Gilbert	Mayor Joan Shafer, Surprise
Mayor Elaine Scruggs, Glendale	* Mayor Hugh Hallman, Tempe
Mayor James M. Cavanaugh, Goodyear	* Mayor Adolfo Gamez, Tolleson
	+ Mayor Ron Badowski, Wickenburg
	* Mayor Bryan Hackbarth, Youngtown
	Joe Lane, ADOT
	Felipe Zubia, ADOT
	F. Rockne Arnett, Citizens Transportation Oversight Committee

* Those members neither present nor represented by proxy.

Attended by telephone conference call.

+ Attended by videoconference call.

1. Call to Order

The meeting of the MAG Regional Council was called to order by Vice Chair Woody Thomas at 5:10 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Vice Chair Thomas stated that Mayor Ron Badowski, Wickenburg, and Councilmember John Insalaco, as proxy for Mayor Doug Coleman, Apache Junction, were participating via videoconference. Mayor Wendy Feldman-Kerr, Queen Creek, was attending via teleconference. Vice Chair Thomas introduced Vice Mayor Chris Urwiller as proxy for Mayor Dusty Hull, Buckeye; Vice Mayor Jay Schlum for Mayor Wally Nichols, Fountain Hills; Supervisor Mary Rose Wilcox for Supervisor Max Wilson, Maricopa County; Councilmember Mike Whalen for Mayor Keno Hawker, Mesa; Vice Mayor Bob Barrett for Mayor John Keegan, Peoria; and Councilmember Dan Schweiker for Mayor Ron Clarke, Paradise Valley.

Vice Chair Thomas introduced a new member of the Regional Council, Felipe Zubia, State Transportation Board, and presented him with his membership certificate.

Vice Chair Thomas noted materials at each place: for agenda items #5C, 5D, 6, 7, 8B and 8C, a memorandum reporting the unanimous recommendations of MAG committees since the agenda was mailed; for agenda item #5E, the final ranking of the HUD applications; for agenda item #5G, a memorandum announcing the Nominating Committee; for agenda item #7, a letter of support for the I-10 widening project from Valley Partnership; and for agenda item #8B, Errata Sheet 07-05. Vice Chair Thomas noted that parking validation and transit tickets were available from staff.

3. Call to the Audience

Vice Chair Thomas noted that according to MAG's public comment process, members of the audience who wish to speak are requested to fill out public comment cards. The opportunity for public comment is provided to members of the public to address the Regional Council on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

Vice Chair Thomas recognized public comment from Dianne Barker, who rode her bike and took a compressed natural gas bus to the meeting. She extended her thanks for the transit tickets. Ms. Barker said that she had received the 161st Air Refueling Volunteer Care Award. She said that her family is Air Force, and these people protect the peace. Ms. Barker commented that she hoped everyone was prepared. She stated that she attended the Air Quality meeting on Thursday and a major concern expressed was for particulate pollution. Ms. Barker stated that many know the rules regarding building permits, but she wondered if those doing small projects, such as home remodeling, received counsel to keep down particulates. Ms. Barker commented that MAG admits that there are no CMS scores for some projects that receive CMAQ funds. She suggested that any projects that receive CMAQ funds be looked at in the future. Vice Chair Thomas thanked Ms. Barker for her comments.

4. Executive Director's Report

Dennis Smith reported that 29 nominations have been received for the 2006 Desert Peaks Awards. He said that the judges will meet on May 12, 2006 to decide the winners. Mr. Smith noted that sponsorships totaling \$5,000 have been received from Pinnacle West Capital Corporation, Kimley-Horn, and Associated General Contractors.

Mr. Smith updated members on the Regional Governmental Service Center. He said that the Executive Committee reached a consensus at the April 17, 2006 meeting to postpone hiring professional service until staff meets with the neighborhood, the Roosevelt Action Association. Mr. Smith noted that staff has met with Phoenix Mayor Phil Gordon and Councilmembers Doug Lingner and Peggy Neely, the Phoenix Downtown Development Office, the Phoenix Community Alliance, and the Phoenix Downtown Partnership. He said that an update on discussions with the neighborhood association is anticipated at the Executive Committee and Building Lease Working Group at the May 15th meeting. Vice Chair Thomas thanked Mr. Smith for his report.

5. Approval of Consent Agenda

Vice Chair Thomas stated that public comment is provided for consent items. Each speaker is provided with a total of three minutes to comment on the consent agenda. After hearing public comments, any member of the Council can request that an item be removed from the consent agenda and considered individually. He stated that agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, and #5H were on the consent agenda.

Vice Chair Thomas asked members if they would like to remove any item from the Consent Agenda to be considered individually. Mayor Lopez-Rogers requested that agenda item #5F be removed from the Consent Agenda.

Hearing no further requests, Vice Chair Thomas called for a motion to approve consent agenda items #5A, #5B, #5C, #5D, #5E, #5G, and #5H. Mayor Shafer moved, Mayor Waterman seconded, and the motion passed unanimously.

5A. Approval of the March 29, 2006 Meeting Minutes

The Regional Council, by consent, approved the March 29, 2006 meeting minutes.

5B. Recommendations to Arizona Department of Transportation for the FTA Elderly and Persons with Disabilities Transportation Program

The Regional Council, by consent, forwarded the priority listing of applicants for FTA Elderly and Persons with Disabilities Transportation Program to the Arizona Department of Transportation. The Federal Transit Administration (FTA) provides approximately \$3 million annually to the Arizona Department of Transportation (ADOT) for capital assistance to agencies and public bodies that provide transportation services for people who are elderly and for people with disabilities. ADOT has again requested that the MAG Elderly and Persons with Disabilities Transportation Ad Hoc Committee

(EPDT) rank the Maricopa applications for the FTA Section 5310 funding. The ranking provided by MAG is considered by ADOT in determining which applicants are to be awarded funding. This year, 14 applications for capital assistance awards, totaling 24 van requests and miscellaneous radio requests, were received. On March 21, 2006, the EPDT ranked the applications received. On April 5, 2006, the MAG Management Committee recommended forwarding the priority listing.

5C. Interim Closeout of the Federal Fiscal Year (FFY) 2006 MAG Federally Funded Program

The Regional Council, by consent, approved a list of projects to be carried forward from FY 2006 to FY 2007 or later and to discuss possible priorities for utilizing MAG federal funds that become available through the FY 2006 Closeout Process. A revised initial closeout established that there was a temporary deficit of \$6.9 million in MAG Federal funds. By March 1, 2006, member agencies submitted requests to defer approximately \$11.2 million in projects from FY 2006 to FFY 2007 or later. As a result, the amount of funds available during the interim closeout is now just over \$4.3 million. The deadline for member agencies to submit requests for projects that can utilize these funds by the end of the Federal fiscal year is April 28, 2006. The Transportation Review Committee, the Management Committee and the Transportation Policy Committee recommended approval a list of projects to be carried forward.

5D. 2006 MAG Regional Human Services Plan

The Regional Council, by consent, approved the 2006 MAG Regional Human Services Plan. One of the main responsibilities of the MAG Human Services Coordinating Committee is to develop a regional human services plan. The purpose of this plan is to identify critical human services issues and to present the funding allocation recommendations for the Social Service Block Grant. The 2006 MAG Regional Human Services Plan has been created on the basis of broad public input, local expertise and national research. The Plan provides an environmental scan and addresses funding and issues related to adults, families, children, the elderly, persons with disabilities and developmental disabilities, homelessness, and domestic violence. Best practices and next steps are cited as available in each section. The Management Committee recommended approval.

5E. Department of Housing and Urban Development Stuart B. McKinney Continuum of Care Consolidated Application Process for Maricopa County

The MAG Continuum of Care Regional Committee on Homelessness is the responsible entity for a year round planning process. This includes the submittal of the Department of Housing and Urban Development Stuart B. McKinney Consolidated Application for the MAG Region. On April 17, 2006, 49 applications were received including one new application to permanently house chronically homeless individuals. Since 1999, a total of \$106 million has been awarded to the region. Last year, the region received more than \$20 million for 48 applications. It is anticipated our area will be similarly awarded this year. This item was on the agenda for information and discussion.

5G. Nominating Committee

Each April, the Chair of the Regional Council appoints a five-member Nominating Committee from the Regional Council. According to the Nominating Process, revised by the Regional Council in April

2002, the Nominating Committee develops a slate of seven candidates. These candidates include a Chair, Vice Chair, Treasurer, the Past Chair, and three members at-large. If the Past Chair is not a current member of the Council, the Nominating Committee nominates an additional at-large member. The past Chair of the Regional Council, if still a current member, serves as Chair of the Nominating Committee. The Nominating Committee is required to provide a balanced slate of officers. The slate of nominations is forwarded to all of the Regional Council members at least two weeks prior to the annual meeting in June. Those appointed to the 2006 Nominating Committee: Mayor Wendy Feldman-Kerr, Town of Queen Creek, Chair; Mayor Marie Lopez-Rogers, City of Avondale; Vice Mayor Dick Esser, Town of Cave Creek; Mayor Fred Waterman, City of El Mirage; and Mayor Woody Thomas, City of Litchfield Park.

5F. Resolution for Permanent Supportive Housing and Services Funding

This item was removed from the consent agenda.

On March 27, 2006, the MAG Continuum of Care Regional Committee on Homelessness approved a resolution on funding for permanent supportive housing and services. The resolution was initiated in response to the presentation given by Maricopa County Manager, David Smith, to the Regional Council on January 25, 2006. The resolution resolves that the members of the MAG Continuum of Care Regional Committee on Homelessness explore different options to fund permanent supportive housing and services in ways that are consistent with the needs, priorities and resources within their communities.

Mayor Lopez-Rogers asked about the plan for the implementation of the resolution. She commented that it seemed open ended. Ms. St. Peter, MAG Human Services Manager, replied that the Continuum of Care created the resolution to address the need for permanent supportive housing and services at the request of the Regional Council. She explained that the resolution was kept broad because the solution in each community is different. Ms. St. Peter stated that the resolution offered some ideas and recommendations, but it is left to each city to develop the solution that is best for them. Ms. St. Peter offered the technical assistance of MAG staff.

Supervisor Wilcox stated that the County is creating a committee composed of County and Phoenix IDA and private citizens to create a County housing trust fund. She added that the Regional Council would be kept informed about the committee's efforts.

Councilmember Neely stated that this is a continuous and growing problem. She said that they found that the bigger issue is siting. Councilmember Neely encouraged outreach to find proper siting. She commented that she hoped that was addressed in this process.

5H. Discussion of the Draft FY 2007 MAG Unified Planning Work Program and Annual Budget and Expenditures and Projects in the MAG Unified Planning Work Program and Annual Budget

Each year, the MAG Unified Planning Work Program and Annual Budget is developed incrementally in conjunction with member agency and public input. The Work Program is reviewed each year by the federal agencies and approved by the Regional Council in May. This presentation and review of the

draft FY 2007 MAG Unified Planning Work Program and Annual Budget represents the budget document development to-date. The elements of the budget document are about 90 percent complete.

Becky Kimbrough, MAG Fiscal Services Manager, provided an update to members on the Draft FY 2007 MAG Unified Planning Work Program and Annual Budget. She reported that only one comment was received from the Intermodal Planning Group meeting on April 6, 2006--to add the planning emphasis areas. Ms. Kimbrough stated that Maricopa County has requested \$50,000 for transit planning in Sun City. She advised that this request is not currently in the proposed listing of projects and has not been incorporated into the budget, pending review of this request. Ms. Kimbrough stated that an update to the 2004 Compensation Study is underway and the results are anticipated at the end of April. Information from the MAG Compensation Study will be incorporated following the May 15, 2006 Regional Council Executive Committee meeting. Ms. Kimbrough stated that the population numbers from the 2005 Census Survey will be used to calculate the final Dues and Assessments.

Vice Chair Thomas stated that if there were no objections, he had received a request to hear agenda item #7 next. No objections were noted.

7. Request to Advance the Widening of I-10

This agenda item was taken out of order.

Eric Anderson, MAG Transportation Director, noted that the coalition of Southwest Valley cities modified their proposal to accelerate the widening of I-10 in response to the concern expressed at the Management Committee about the capacity to issue Grant Anticipation Notes (GAN). He noted that the proposed project is now eight miles instead of the originally proposed ten miles, and costs approximately \$95 million less.

Mr. Anderson displayed a graphic of the lanes included in the project, which would widen I-10 from the junction of Loop 101 to just east of the future connection with Loop 303 and I-10. He explained improvements to the westbound lanes that include the addition of an HOV lane in the median from Loop 101 to just east of Sarival Road; the addition of a general purpose lane on the inside from Dysart Road to Sarival; and the addition of a general purpose lane to the outside for approximately eight miles from Loop 101 to Sarival Road. Mr. Anderson advised that this configuration would be repeated for the eastbound side of the freeway, with the exception of a slight difference due to the outside general purpose lane extending slightly west of Loop 101.

Mr. Anderson reviewed the proposed accelerated construction schedule. He said that the Loop 101 to Dysart section would be accelerated from 2014 to 2008. The Dysart to Sarival section would be accelerated from 2011 to 2008. Mr. Anderson added that both of these projects are in the ADOT Life Cycle Program.

Mr. Anderson reviewed the financial information. He said that project is estimated at \$130.2 million, which includes design and construction. Mr. Anderson explained that there are two components to the financing package. Mr. Anderson stated said that the cities have applied for an ADOT HELP loan in the amount of \$7.4 million to advance the design work. He added that approval of the HELP loan was

considered by the State Transportation Board last week. Mr. Anderson stated that the second component, for construction, is the GAN loan, which leverages future federal funds. He said that the construction component is \$123 million. Mr. Anderson stated that the interest expense, using a five percent rate, is estimated at \$25.2 million. He advised that \$10.4 million would be the local share and \$14.8 million would be the program share, in keeping with the MAG Acceleration Policy.

Mr. Anderson stated that one concern expressed was GAN capacity. He said that GAN has been a well-used technique since 1999. He reported that GANs were used to accelerate the Pecos Road traffic interchange to provide access to I-10 and Santan Freeway; a portion of the Red Mountain Freeway; and the completion of the freeway system to 2007. Mr. Anderson remarked that ADOT limits capacity statewide at \$800 million, of which \$400 million is allocated to the MAG region. He displayed a graph of estimated GAN capacity. He pointed out how GAN capacity would be freed up by 2013 as the current loans are retired, and if used for the proposed widening, would return to full capacity by 2015.

Mr. Anderson then reviewed the MAG Highway Acceleration Policy with the Committee. 1) The project must be in the Plan (this project is in Phase II of the RTP). 2) ADOT is responsible for the design, right-of-way and construction of the project (if appropriate, an IGA will be signed). 3) Enhancements are not eligible for reimbursement (no enhancements are included in this project). 4) Agreement of other jurisdictions if the project crosses boundaries (a joint resolution was signed by Goodyear, Litchfield Park, Avondale, and Buckeye). 5) Coordinate with adjacent jurisdictions and avoid adverse traffic impacts (signed joint resolution and no adverse traffic impacts are anticipated). 6) Maintain any previous commitments of local funds (no previous commitments). 7) Repayment of project costs and interest will follow life cycle program schedule (cash flow analysis followed the schedule which will be included in the IGA). 8) Calculation of interest reimbursement (reimbursement calculations followed MAG policy). 9) Payment schedule adjusted as other projects in the program (IGA will include schedule adjustment provisions). 10) No adverse impacts on other projects in the program (there are no known adverse impacts). 11) ADOT will notify MAG of any requests to accelerate a project (ADOT notified MAG). 12) Non-recoverable costs are paid by jurisdiction if the accelerated project does not move forward (IGA will include appropriate provisions). Mr. Anderson commented that this provision holds the program harmless. Vice Chair Thomas thanked Mr. Anderson for his report and asked if there were any questions.

Mayor Manross expressed her appreciation for the presentation. She asked Mr. Anderson to explain how ADOT could insert a \$125 million project into the program without impacting the ability to get other projects done. Mr. Anderson replied that ADOT extensively uses consultants in the design and engineering process. He commented that staff believes that the project can be handled within the capacity of the available consulting industry. Mr. Anderson added that there is a possibility of concern on the construction side. He said that there are a range of construction cost issues facing all projects, however, staff feels this would not unduly impact the industry capacity. Mayor Manross asked if he thought there would be no impact to any planned project. Mr. Anderson replied that was correct.

Mayor Shafer stated that she was glad that the narrow road would finally be fixed and moved approval of the proposal to accelerate the widening of I-10 from Loop 101 to the vicinity of Sarival Road in the West Valley and include this project in the draft FY 2007 to FY 2011 Transportation Improvement Program for the purpose of air quality conformity analysis. Mayor Lopez-Rogers seconded.

Supervisor Wilcox stated that she was honored to represent the County and to cast an aye vote. She said that this project had been a long time coming. Supervisor Wilcox expressed her thanks to the cities, particularly Goodyear, for taking the lead and working together.

Vice Mayor Urwiller stated that Buckeye really needed to have this project moved to Phase II. He commented that Buckeye holds the big gate, which is important to the West Valley and to all of Maricopa County. Vice Mayor Urwiller stated that he would have liked Buckeye to come out better instead of being left out. He said that Buckeye needs to learn from Goodyear and step up to the plate. Vice Mayor Urwiller stated that the gateway needs to be accelerated so Buckeye is not the next bottleneck.

Vice Chair Thomas said that he heard about transportation plans by other agencies that did not materialize. As a result, it is a good thing that the cities got together and made a plan. He remarked that this process shows that cooperation is sometimes nebulous. Vice Chair Thomas expressed concern about regional opportunity to get accomplishments for all.

With no further discussion, Vice Chair Thomas called for a vote on the motion, which passed unanimously.

6. FY 2006 ADOT Freeway/Highway Program in the MAG Region - Proposed Material Cost Increases

Eric Anderson noted that the Transportation Policy Committee had been briefed earlier on cost increases and how they were affecting construction of projects in the MAG region. In response to concerns about these cost increases, MAG hosted a Construction Cost Forum in January 2006. Mr. Anderson stated that the Arizona Department of Transportation has requested cost increases for projects in FY 2006 that meet the Material Increase criteria. These increases total approximately \$28.1 million and reflect recent cost increases in right-of-way, construction materials, and overall project bid levels, as well as design considerations. Mr. Anderson stated that state law requires that MAG approve any change in priorities, new projects or changes that would materially increase program costs in the Regional Transportation Plan. He advised that staff reviewed the changes and determined that the cost increases can be accommodated within current cash flow by the deferral of other projects, in priority order, that are not ready for obligation in FY 2006. Mr. Anderson reported that the Transportation Review Committee and the Management Committee recommended approval of the material cost increases. Vice Chair Hawker thanked Mr. Anderson for his report and asked members if they had questions.

Mayor Shafer commented about the Regional Council approving cost increases when they do not really want the costs to increase. Mr. Anderson remarked the requirement for the Regional Council to approve material cost increases was placed in state statute in 1992 as a result of an audit in 1991 by Peat Marwick. He added that the purpose was mostly to have the cost increases presented in a public venue.

Mayor Shafer moved approval of the material cost increases for the 12 projects in FY 2006 as shown in the enclosed material. Vice Mayor Esser seconded, and the motion carried unanimously.

8A. FY 2006 MAG Mid-Phase Public Input Opportunity

Jason Stephens reported the input received during the Mid-Phase Input Opportunity, which was received from February 2006 through March 2006 on the FY 2007-2011 Transportation Improvement Program and the Regional Transportation Plan - 2006 Update. Mr. Stephens stated that MAG has an adopted four-phase public involvement process--early phase, mid phase, final phase and continuous involvement. He said that input opportunities included meetings of the MAG Management Committee, Transportation Policy Committee and Regional Council, several special events and a Joint Transportation Open House and Public Hearing. Events and opportunities were held in conjunction with the Arizona Department of Transportation, Valley Metro and Valley Metro Rail. Mr. Stephens displayed some of the questions and comments received, all of which were summarized in the report that was included in the agenda packet. Vice Chair Thomas thanked Mr. Stephens for his report. He remarked about providing comments to decision makers other than MAG, especially on the South Mountain.

8B. Approval of the Draft FY 2007-2011 MAG Transportation Improvement Program for an Air Quality Conformity Analysis

Paul Ward updated members on the development of the MAG Transportation Improvement Program (TIP). Mr. Ward stated that as the Transportation Programming Manager, it is his responsibility to ensure the TIP is developed in adherence to federal guidelines. He said that all projects come from the FY 2006-2010 MAG TIP and the Regional Transportation Plan. Mr. Ward stated that a TIP is required every four years; however, MAG drafts a TIP every year due to the region's high rate of growth and air quality concerns. MAG Federally funded projects were added September through December; ADOT and transit projects by December; and the remaining projects by the end of January. Mr. Ward stated that the Draft TIP is considered for approval to undergo an air quality conformity analysis in April, which is complete by May or June. Mr. Ward stated that this is followed by a public hearing in June, with Regional Council approval anticipated in July.

Mr. Ward stated that the TIP includes all regionally significant projects and currently contains 623 street projects, 247 transit projects, 120 freeway projects, 108 bicycle and pedestrian projects, 65 ITS projects, 33 air quality or transportation demand management projects, and 21 bridge, maintenance, or other projects. Mr. Ward said that the TIP includes a total of \$6.29 billion from all sources, including \$463.2 million in federal funds, and explained where the funding comes from and how the funding is allocated by mode. Mr. Ward clarified that the requested action to approve the FY 2007-2011 TIP for a conformity analysis would also include the changes on Errata Sheet 07-05, which were submitted by member agencies in the past week. Vice Chair Thomas thanked Mr. Ward for his presentation. No questions from the Council were noted.

8C. Approval of the Draft MAG Regional Transportation Plan - 2006 Update for an Air Quality Conformity Analysis

Roger Herzog stated that the 1990 Clean Air Act Amendments require that transportation plans and programs be in conformance with applicable air quality plans. To comply with this requirement, it is necessary to conduct a conformity analysis on the 2006 update to the MAG Regional Transportation Plan (RTP). Mr. Herzog stated that the 2006 Update includes FY 2007 through FY 2026. The major

new items in the 2006 Update are revised revenue estimates, and inclusion of the life cycle programs for freeways/highways, arterial streets, and transit. The life cycle programs are consistent with the project priorities originally identified in the RTP, and provide a detailed listing of project scheduling and funding by year. These programs would replace the project phases and costs that were originally presented in the RTP. He stated that the Update establishes a base for program monitoring and future decision-making on program adjustments. Mr. Herzog noted that the approval of the 2006 Update follows the same schedule as the approval of the TIP. Vice Chair Thomas thanked Mr. Herzog for his report. No questions from the Council were noted.

Mr. Arnett moved approval of the Draft FY 2007-2011 MAG Transportation Improvement Program and the Draft MAG Regional Transportation Plan - 2006 Update for an air quality conformity analysis. Councilmember Schweiker seconded, and the motion carried unanimously.

9. Legislative Update

Matt Clark provided an update on legislative issues of interest. He reported that a compromise on eminent domain is becoming complicated because all parties cannot reach a consensus on legislative language. He said there is optimism that legislation will not include regulatory takings and is acceptable to all. Mr. Clark stated that the Legislature and the Governor's Office continue to discuss several propositions on using some of the budget surplus for transportation, but the question is how to set up payment. He said that MAG staff met with legislative staff and emphasized MAG's request that there be no earmarks and the funds allocated from transportation would be repaid.

Mr. Clark reported that a memorandum from the Environmental Protection Agency notifying MAG and the Pima Association of Governments (PAG) that if certain transportation control measures in the air quality plans are not funded and implemented on time, conformity will lapse and major transportation projects will be stopped. He explained that at risk are projects estimated at \$2.6 billion in the FY 2007-2011 MAG TIP, and also projects in the PAG TIP. Mr. Clark said that previously, the Arizona Department of Environmental Quality (ADEQ) funded these transportation control measures from the Air Quality Fund, but will no longer since legislative changes have reduced the fund by \$15 million. Mr. Clark advised that funding from the Legislature is needed to cover the loss of funding previously funded by ADEQ. He reported that \$1,673,575 is needed for the MAG region and \$623,000 is needed for the PAG region. MAG has already contributed to funding these programs. Mr. Clark noted that with legislative staff is aware of what is at stake and meetings with them have taken place. He commented that it appears that approximately \$725,000 in funding will be forthcoming, however, a funding source for the \$948,575 is needed.

10. Comments from the Council

An opportunity was provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Vice Chair Thomas announced that Robin Rand has departed Luke Air Force Base and there is a new commander. He thanked the Regional Council and noted that it had been an honor to chair the meeting.

There being no further business, the Regional Council meeting adjourned at 6:00 p.m.

Chair

Secretary